UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: MARK JOSEPH KOSEK and : CHAPTER 13

CAROL LYN KOSEK

VS.

Debtors

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JACK N. ZAHAROPOULOS

STANDING CHAPTER 13 TRUSTEE

Movant

:

MARK JOSPEH KOSEK and CAROL LYN KOSEK

Respondents : CASE NO. 5-21-bk-02442

TRUSTEE'S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 27th day of December, 2021, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtors' plan for the following reason(s):

- 1. Debtors' plan violates 11 U.S.C. § 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, the debtor has excess non-exempt equity in the following:
 - a. Residential real estate. The Trustee has requested proof of the value of the debtors' home as stated in their schedules CMA for 326 Damon Street.
 - b. Copy of Deed for 326 Damon Street.
- 2. Trustee avers that debtors' plan cannot be administered due to the lack of the following:
 - a. The debtors have not provided to the Trustee copies of 2020 Federal Income Tax returns as required by § 521(e)(2)(A).

WHEREFORE, Trustee alleges and avers that debtors' plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Jack N. Zaharopoulos Standing Chapter 13 Trustee 8125 Adams Drive, Suite A Hummelstown, PA 17036 (717) 566-6097

CERTIFICATE OF SERVICE

AND NOW, this 4th day of January, 2022, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Tullio DeLuca, Esquire 381 N. 9th Avenue Scranton, PA 18504

/s/Deborah A. Behney
Office of Jack N. Zaharopoulos
Standing Chapter 13 Trustee